

**OFFICE OF THE INSPECTOR GENERAL**

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**SUMMARY REPORT**

**INVESTIGATION INTO THE IMPROPER  
PLACEMENT OF PAROLEES DESIGNATED AS  
HIGH-RISK SEX OFFENDERS WITHIN A  
HALF-MILE OF A SCHOOL**

**NOVEMBER 2006**

**STATE OF CALIFORNIA**

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## EXECUTIVE SUMMARY

This report summarizes the results of an investigation by the Office of the Inspector General into actions taken by two state parole administrators in response to the enactment of Assembly Bill 113, which imposed new restrictions on parolees designated as high-risk sex offenders. To comply with state confidentiality laws governing personnel matters, this public report does not identify parties by name. A full confidential report of the investigation has been provided to the Department of Corrections and Rehabilitation and other administration officials for appropriate action. The investigation was conducted under the authority of Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the Department of Corrections and Rehabilitation and its subordinate entities.

Assembly Bill 113, which took effect January 1, 2006, amended Penal Code section 3003(g)(2) to prohibit parolees designated by the Department of Corrections and Rehabilitation as high-risk sex offenders from residing within a half-mile of any public or private K-12 school. The Office of the Inspector General determined that when parole agents in the Los Angeles County region told supervisors they were unable to find housing for high-risk sex offenders outside the half-mile limit, a mid-level parole administrator ordered agents to begin shifting the parolees from motel to motel every four days. The investigation also found that his supervisor, a senior parole administrator in the department's Division of Adult Parole Operations, sanctioned the order.<sup>1</sup>

Although the investigation did not establish the administrators' purpose in ordering the parolees to be repeatedly moved, the evidence suggests they were either attempting to deliberately conceal the presence of high-risk sex offenders inside the half-mile limit until appropriate housing could be located or they misinterpreted an existing law affecting sex offender registration.

Section 290 of the Penal Code—Megan's Law—requires sex offenders to register with local law enforcement within five days of moving or becoming homeless. Parolees who become transient or homeless are required to register only every 30 days. The two administrators may have believed that if the parolees moved every four days, they would be considered transient and could avoid the five-day registration requirement. They may also have reasoned that as transients, the parolees would have no residence and therefore would not be considered to "reside" within the half-mile restriction—even if the motel in which they were located was inside the limit.

This reasoning was flawed, however. The order violated the clear intent of Assembly Bill 113, which provides that a parolee designated as a high-risk sex offender "shall not be placed or reside for the duration of his or her parole, within one-half mile of any public or private school..." Although the administrators may have conceived of the plan as a temporary

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<sup>1</sup> To protect identities and comply with privacy laws, gender-specific pronouns have been randomly altered in this report.

measure, they took no meaningful action to monitor the activities of the parole agents or to achieve genuine compliance with the new law and failed to notify their superiors of the region's non-compliance with Assembly Bill 113. An audit of Parole Region III by the Department of Corrections and Rehabilitation in February 2006 found seven high-risk sex offenders still residing within a half-mile of schools.

Of even greater concern, when questioned about the matter, both administrators made false statements in interviews with the Office of the Inspector General and in answer to questions posed by members of the state legislature, denying involvement in or knowledge of the order to repeatedly move the parolees. Later, when confronted by investigators with evidence to the contrary, the parole administrator who issued the order later admitted his actions and said his supervisor had sanctioned the order.

The Office of the Inspector General found that in contrast to the actions of the two administrators, parole agents in Parole Region III made diligent efforts to comply with the new law. When they were unable to find housing for the parolees outside the half-mile limit, they properly notified their supervisors. When they were ordered by administrators to shift the parolees from motel to motel, they complied with the order, but also notified local law enforcement of the location of the high-risk sex offenders. One parole agent also notified the Secretary of the Department of Corrections and Rehabilitation of the "shuffling" of the parolees, and others alerted the media to the situation.

The Office of the Inspector General's investigation resulted in additional less significant findings concerning neglect of duty and dishonesty by other parole supervisors. Those findings have been provided to the Department of Corrections and Rehabilitation in the confidential version of this report.

## **BACKGROUND**

California law imposes specific requirements on parolees who have been convicted of sex offenses that restrict them from residing within a specified distance of a school and require that they register as sex offenders with local law enforcement. As amended in 2003, California Penal Code section 3003(g)(2) prohibits inmates who have been released on parole for violations of specified sex offenses from residing within one-quarter mile of a K-8 school. Effective January 1, 2006, Assembly Bill 113 (Chapter 463, Statutes of 2005) further amended that section to prohibit parolees designated by the Department of Corrections and Rehabilitation as high-risk sex offenders from residing within one-half mile of any public or private K-12 school. In addition, Penal Code section 290 ("Megan's Law") requires anyone convicted of a specified sex crime to register as a sex offender with a local law enforcement agency and to update the information every year within five working days of his or her birthday. When a person designated under Penal Code section 290 as a sex offender moves or becomes homeless, he or she must update the registration information within five days. A sex offender who becomes homeless is considered "transient" and is required to register only every 30 days.

Supervision of inmates paroled from the prisons is the responsibility of the Division of Adult Parole Operations of the Department of Corrections and Rehabilitation. California Penal Code section 3003(a) requires the Department of Corrections and Rehabilitation to return inmates being paroled from state prisons to the county of last legal residence unless it is determined that it would be in the best interest of the public to return an inmate to another county. Although it is the responsibility of the parolee to establish a place of residence after release from prison, the Department of Corrections and Rehabilitation traditionally provides parolees with assistance in obtaining temporary housing until the parolee locates more permanent housing. The assistance includes providing vouchers to allow parolees to purchase food and pay for rooms at commercial businesses, such as motels and hotels. The purpose of the policy is to provide parolees with some measure of stability and help them avoid homelessness, enabling parole agents to more closely supervise and monitor their activities.

Los Angeles County comprises Parole Region III, one of the state's four parole regions. According to Department of Corrections and Rehabilitation figures, as of February 17, 2006, approximately 500 high-risk sex offenders were assigned to Parole Region III parole caseloads.

### **INVESTIGATIVE FOCUS**

In conducting this investigation, the Office of the Inspector General sought to determine the following:

- Why the Department of Corrections and Rehabilitation failed to comply with Assembly Bill 113 in Parole Region III.
- Why some parolees in Parole Region III were moved every four days.
- Who ordered and authorized the movement of parolees.
- Why parolees designated as high-risk sex offenders who were already residing within one-half mile of a school were allowed to remain.
- What steps parole agents took to comply with Assembly Bill 113.
- What steps Parole Region III supervisors and managers took to prepare for implementation of Assembly Bill 113.
- What efforts California Department of Corrections and Rehabilitation headquarters made to ensure that parole regions were in compliance with Assembly Bill 113.
- Whether neglect of duty by the Division of Adult Parole Operations led to lack of compliance with Assembly Bill 113.

The Office of the Inspector General did not evaluate the department's process for designating parolees as high-risk sex offenders or the department's continuing efforts to comply with Assembly Bill 113.

## SUMMARY OF FINDINGS

### FINDING 1

**The Office of the Inspector General found that administrators in the Division of Adult Parole Operations failed to take sufficient action when they became aware that Parole Region III was out of compliance with Penal Code section 3003(g)(2).**

The investigation determined that when a mid-level parole administrator for Parole Region III learned that parole agents were unable to find housing for high-risk sex offenders that complied with changes to Penal Code section 3003(g)(2), he ordered agents to begin moving the parolees from motel to motel every four days. The investigation also determined that his immediate supervisor, a senior parole administrator, sanctioned the order. Neither of the two administrators took further action to monitor the activities of the parole agents, to remedy the compliance problems, or to alert state officials of the situation.

It appears that moving the parolees every four days may have been intended to avoid the Penal Code section 290 requirement that sex offenders update registration information within five days of moving or becoming homeless. The administrators may have believed the strategy would allow the parolees to be considered “transient,” and that they would therefore be required to register with local law enforcement only every 30 days. They may have also reasoned that as transients, the parolees would have no residence and therefore technically would not be “residing” within a half-mile of a school, even if the motels in which they were temporarily located did fall within the half-mile limit.

The actions ignored the intent of Penal Code section 3003(g)(2) as amended by Assembly Bill 113, effective January 1, 2006, which expressly provides that an inmate released on parole who is designated as a high-risk sex offender “shall not be placed or reside for the duration of his or her parole, within one-half mile of any public or private school including any or all of kindergarten and grades 1 to 12, inclusive.”

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***Sequence of events.*** Parole agents in Parole Region III had begun reporting difficulty finding housing for high-risk sex offenders outside the half-mile limit imposed by the new law as early as October 2005. In December 2005, a parole supervisor in Parole Region III sought help with the situation by reporting to the chain of command that some high-risk sex offenders on parolee caseloads in the Eastern District would be out of compliance with Penal Code section 3003(g)(2) after amendments to the law went into effect on January 1, 2006.

That person’s supervisor, a mid-level parole administrator, responded on December 30, 2005 by ordering that parole agents begin moving the affected parolees every four days. On the same day, he sent an e-mail message to a senior parole administrator in the Division of Adult Parole Operations with a subject line reading “HRSO Placement” and the following text:

*We will now begin incurring significant cost moving at least half a dozen 290’s from hotel to hotel. As long as they move before the five days they can temporarily avoid registering. We are now at the point*

*where we may have to consider transience as an alternative. While officially they may be transient we would have them moving from motel to motel.*

State computer and telephone records show that the senior parole administrator called the mid-level administrator immediately after receiving the e-mail message and that the call lasted for about five minutes.

***The mid-level parole administrator admitted issuing the order.*** After initially denying knowledge of or involvement in the matter, the mid-level parole administrator admitted in an interview with the Office of the Inspector General that he issued the order to move the parolees. He also reported that the senior administrator approved the order, commenting that “it was a good idea” and that “it would buy the division [of Adult Parole Operations] some time.”

After the new law went into effect on January 1, 2006, others in the parole region continued to bring the issue to the attention of the two administrators. On January 2, 2006, after repeated requests from parole agents for assistance in complying with Penal Code section 3003(g)(2), another parole manager submitted a “Red Flags Report” to the senior administrator advising him of the situation, and raised the issue again in subsequent communications sent in mid-January 2006.

Yet, after the order that the parolees be repeatedly moved, neither the mid-level parole administrator who had issued the order to move the parolees nor the senior parole administrator who had sanctioned the order took further action to resolve the compliance problem by developing a formal plan, scheduling meetings, providing resources, monitoring activities, issuing directives, or responding to requests for assistance from parole agents.

***The two administrators had a duty to act.*** The Office of the Inspector General concluded that it was the duty of the mid-level and senior parole administrators to take action when they became aware that parole agents in Parole Region III were unable to comply with Penal Code section 3003(g)(2), and that in not doing so, both administrators neglected their duty. It was also the duty of the senior parole administrator to notify his superiors of the situation, but he failed to provide that notification. In answer to questions from state legislators, the senior parole administrator admitted he should have given the Parole Region III staff more assistance in complying with the new law.

## FINDING 2

**The Office of the Inspector General found that the senior and mid-level parole administrators both made deliberately false statements during interviews with the Office of the Inspector General and in answers to questions from state legislators by denying involvement in or knowledge of the order to move parolees designated as high-risk sex offenders from motel to motel every four days.**

In the course of the investigation, the Office of the Inspector General twice interviewed both the mid-level parole administrator who had issued the order to move the parolees and the senior parole administrator who had approved the order—first as witnesses and then as subjects. Both administrators also answered questions from state legislators about the parolee movement. In the interviews with the Office of the Inspector General, and in answers to questions from state legislators, both administrators falsely denied involvement in the order to move the parolees from motel to motel and both said they were unaware until early February 2006 that the movement was occurring. The mid-level parole administrator subsequently admitted he had issued the order, but the senior parole administrator has continued to deny knowledge of or involvement in the matter.

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In an interview with the Office of the Inspector General in February 2006, the mid-level parole administrator denied he had issued the order on December 30, 2005 for parole agents to begin moving high-risk sex offender parolees every four days. Thereafter, he also told state legislators that he had not issued the order. Confronted with evidence during a second interview with the Office of the Inspector General that he had issued the order, the mid-level parole administrator admitted that he had done so and told investigators that his supervisor, the senior parole administrator, had approved the order.

The senior parole administrator denied during an initial interview with the Office of the Inspector General in February 2006 that he had ordered the parolees to be moved, that he had known of the order, or that he had approved it. He subsequently told state legislators that he did not give the order to move high-risk sex offender parolees and did not know who had given the order. He also denied that he had been aware of or involved in the movement of the parolees. During a second interview with the Office of the Inspector General, he continued to deny knowledge of or involvement in the matter, even after being confronted with his receipt of the December 30, 2005 e-mail, state telephone records indicating that the two administrators had conversed immediately after the e-mail, and statements made to the Office of the Inspector General by the mid-level administrator that the order to move parolees had been sanctioned by the senior parole administrator.

Accordingly, the Office of the Inspector General concluded that the statements of the two parole administrators in interviews with the Office of the Inspector General and in statements to members of the legislature in which they denied knowledge of or involvement in the movement of parolees were deliberately false.

### FINDING 3

**The Office of the Inspector General found that the senior parole administrator made deliberately false statements to the Secretary and Undersecretary of the Department of Corrections and Rehabilitation about the movement of parolees in Parole Region III in response to the new Penal Code section 3003(g)(2) restrictions enacted under Assembly Bill 113.**



When questioned by department officials about the order to repeatedly move high-risk sex offender parolees in Parole Region III in response to the enactment of Assembly Bill 113, the senior parole administrator made deliberately false statements to the Secretary and Undersecretary of the Department of Corrections and Rehabilitation about his involvement in the matter and attempted to blame the actions on the parole staff.

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The Secretary of the Department of Corrections and Rehabilitation was notified by an unknown parole agent on February 3, 2006 that agents had been ordered to repeatedly move high-risk sex offenders on Parole Region III caseloads in response to the new requirements of Penal Code section 3003(g)(2). The Secretary immediately contacted the senior parole administrator for more information. The senior parole administrator reacted to the inquiry by sending an e-mail message on February 4, 2006 to the mid-level parole administrator for Parole Region III. In that message, he wrote:

*[W]hat I plan on telling the Secretary is that staff were moving sex offenders to comply with registration requirements (transient vs. perm residence). The distance from schools for the HRSO AB 113 requirements does apply. Staff may have used placements that were withing [sic] the half mile limit.*

Shortly thereafter, the senior parole administrator sent an e-mail message to the Secretary and to the Governor's Office with copies to supervisors in his chain of command, including the Undersecretary of the Department of Corrections and Rehabilitation. In that message he reported that parole agents in Parole Region III were registering sex offenders as transients and implied that that action had stemmed from misinterpretation of the new law by a member of the parole staff. The message read, in part:

*Here is what we know about the sex offender placement issue in Los Angeles...the staff member was interpreting the AB 113 provisions to be that if the parolee had no established residence, the oen [sic] half mile restriction did not apply.*

The senior parole administrator acknowledged during an interview with the Office of the Inspector General that he subsequently prepared an undated, unsigned document entitled "Assembly Bill 113 Chronology," and submitted the document to senior department management and the Governor's Office. The document contained 78 miscellaneous documents and e-mail messages related to the issues surrounding the implementation of Assembly Bill 113. The document included three e-mail messages pertaining to Assembly Bill 113 sent between the mid-level parole administrator and the lower-level supervisor in Parole Region III, Eastern District who had requested assistance in finding housing for high-risk sex offender parolees, including a message sent on December 30, 2005. But the document conspicuously omitted the December 30, 2005 e-mail from the mid-level parole administrator to his supervisor, the senior parole administrator, with the subject line reading "HRSO Placement" that outlined the plan to move parolees from motel to motel.

In a June 2006 interview with the Office of the Inspector General, the Undersecretary of the Department of Corrections and Rehabilitation said that in several conversations about the matter, the senior parole administrator in the Division of Adult Parole Operations repeatedly denied giving approval to move high-risk sex offenders and said that although he knew that

Parole Region III was having difficulty complying with the new law, he was unaware that the region was out of compliance and was moving high-risk sex offenders between motels.

#### **FINDING 4**

**The Office of the Inspector General found that parole agents in Parole Region III made diligent efforts to comply with Penal Code section 3003(g)(2), and advised their chain of command when they found they could not do so. When they received orders to move parolees every four days, agents notified both the media and the Secretary of the Department of Corrections and Rehabilitation.**

Parole Region III agents tried diligently to find housing for high-risk sex offenders outside the one-half mile limit imposed by the amended version of Penal Code section 3003(g)(2). In those efforts they were hampered by the population density, the high number of schools in the area, and the limited amount of housing outside the half-mile limit. When agents found they could not comply with the new requirements by January 1, 2006, they repeatedly asked supervisors for assistance. One Parole Region III parole supervisor also asked for help from the chain of command, including the mid-level parole administrator for the region and the senior administrator in the Division of Adult Parole Operations. Another Parole Region III supervisor responded to the requests for assistance by instructing one agent to simply do the best he could. The agent complied with department policy by using a commercial atlas to determine half-mile distances from schools by using a commercial atlas that was later found to be outdated. The use of a different map provided by the Los Angeles Police Department resulted in the placement of several high-risk sex offenders at a hotel that was later determined to be within a half-mile of a school. When agents received the order to move parolees from motel to motel every four days, they complied with the order, but also took measures to notify local law enforcement of the presence of the high-risk sex offenders in the area. One agent also notified the Secretary of the Department of Corrections and Rehabilitation of the order and others alerted the media to the situation.